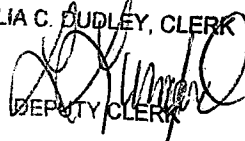


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION

CLERK'S OFFICE U.S. DISTRICT COURT
AT ABINGDON, VA
FILED

NOV 06 2020

JULIA C. DUDLEY, CLERK
BY: 
DEPUTY CLERK

UNITED STATES OF AMERICA

v.

STACEY POMRENKE

Case No. 1:20CR00041-001

AGREED STATEMENT OF FACTS

The Parties hereby stipulate to the following facts:

1. The United States Bureau of Prisons ("Bureau of Prisons") is an agency of the United States government.

2. On October 27, 2015, Stacey Pomrenke was arrested based upon the return of an indictment alleging multiple violations of federal law. When interviewed by a probation officer for the United States District Court for the Western District of Virginia, Stacey Pomrenke denied any history of substance abuse. Stacey Pomrenke was released pursuant to 18 U.S.C. § 3141 *et. seq.*, and an order dated October 27, 2015, from the United States District Court for the Western District of Virginia, Case No. 1:15CR00033, which order notified Stacey Pomrenke of the potential effect of committing an offense while on release. Stacey Pomrenke remained on release until September 26, 2016.

3. Following her conviction for Conspiracy to Defraud the United States, Make False Statements, Conspiracy to Commit Extortion, Extortion, Theft/Bribery of Program Receiving Federal Funds, Conspiracy to Commit Wire Fraud, Wire Fraud, and Contempt, and in preparation for her sentencing, Stacey Pomrenke was interviewed by a probation officer for the United States

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District Court for the Western District of Virginia. During this interview, Stacey Pomrenke again denied any history of substance abuse and stated that she was a “social drinker”.

4. On August 11, 2016, Stacey Pomrenke was sentenced to thirty-four (34) months imprisonment by the Honorable James P. Jones, United States District Court Judge, Western District of Virginia. She was ordered to self-report to the Bureau of Prisons facility at Alderson, West Virginia. The projected date of the completion of her sentence was March 13, 2019.

5. The Bureau of Prisons operates an intensive drug and alcohol abuse treatment program known as the Residential Drug Abuse Program (RDAP). This program is a 500-hour substance abuse treatment program that is administered by the Bureau of Prisons. In order to gain admission to RDAP, a federal inmate must meet certain criteria, including having a diagnosable and verifiable drug or alcohol abuse disorder. By successfully completing RDAP, an inmate can qualify for early release from the custody of the Bureau of Prisons.

6. At all times relevant to the Information, RDAP Law Consultants, LLC was a business operated by Tony Pham a/k/a Anh Nguyen (“Nguyen”). RDAP Law Consultants, LLC solicited prospective and current federal inmates, including individuals in the Western District of Virginia, and elsewhere, through telephone calls and emails with offers of assistance in applying to, and qualifying for, RDAP. For a fee, they coached and advised prospective and current inmates on how to gain admission to RDAP by lying to the Bureau of Prisons about the existence, duration, and extent of a qualifying substance abuse disorder.

7. Beginning on or about August 19, 2016, Stacey Pomrenke and Kurt Pomrenke were solicited by, and began corresponding with Nguyen and others at RDAP Law Consultants, LLC regarding securing admission to RDAP.

8. On August 22, 2016, Stacey Pomrenke entered into a Consulting Agreement with RDAP Law Consultants, LLC, agreeing to pay \$7,500. The agreement was revised by Kurt Pomrenke and signed by Stacey Pomrenke and Anh Nguyen. Stacey Pomrenke and Kurt Pomrenke paid RDAP Law Consultants, LLC through a wire transfer to PayPal, which was initiated from the Western District of Virginia. At the time they made this payment or shortly thereafter, Stacey Pomrenke and Kurt Pomrenke entered into an agreement with Nguyen to provide false information to the Bureau of Prisons in order to attempt to secure Stacey Pomrenke's admission to RDAP.

9. Shortly after entering into the consulting agreement, Nguyen began coaching Stacey Pomrenke and Kurt Pomrenke regarding the steps they would take to defraud the Bureau of Prisons so that Stacey Pomrenke could secure admission to RDAP. In one of their first discussions, Stacey Pomrenke and Kurt Pomrenke made clear that Stacey Pomrenke only drank a glass or two of wine a week and did not have an alcohol abuse problem or addiction.

10. Nguyen advised Stacey Pomrenke that prior to reporting to the Bureau of Prisons, she should get an appointment with a physician and falsely complain of an alcohol problem and concerns about going "cold turkey" while at prison so that the physician would prescribe a detox drug such as Ativan to Stacey Pomrenke. The purpose of this was to create evidence for the Bureau of Prisons to make it appear that Stacey Pomrenke had an alcohol addiction and would make her more likely to be admitted into RDAP.

11. On August 31, 20¹⁶~~20~~, Stacey Pomrenke had an appointment with her physician in Abingdon, Virginia. During that appointment, Stacey Pomrenke falsely stated to her physician words to the effect that "over the last three years she had been drinking more and going from one glass of wine up to three glasses of wine at night." As a result of these false statements, Stacey

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Pomrenke's physician prescribed her Ativan to prevent physical complications from alcohol withdrawal when Stacey Pomrenke reported to prison. Stacey Pomrenke's doctor noted that "[t]ime with patient was 45 minutes with greater than 50% of it discussing had [sic] a come off alcohol and how she is going to deal in prison."

12. On September 18, 2016, Anh Nguyen sent an email to Stacey Pomrenke at staceypomrenke@gmail.com with subject line "Show Withdrawal Symptoms". The email stated, in part:

You need to show serious withdrawal symptoms as soon as you get to prison. Please watch these videos [showing the detox symptoms of alcohol and drugs].

....

Within 24 hours of going cold turkey, you will experience the following withdrawal symptoms:

- 1) A craving for alcohol
- 2) Dry mouth, headaches, extreme irritation/easily annoyed
- 3) Can not sleep, extreme anxiety
- 4) Sweaty
- 5) Shakes
- 6) Nausea

Within 12 hours of going cold turkey, you will experience the following withdrawal symptoms. You must show these symptoms for 2 weeks so when asked during that time you must say "Yes, I have these symptoms". If you say "No, I am fine." or "I feel better." or "I am ok now", that means you are not an alcoholic and they may deny you later (or give you a really hard time to get in).

13. On September 23, 2016, Anh Nguyen sent an email to Stacey Pomrenke at staceypomrenke@gmail.com with subject line "Prison Preparation To-Do's". In part it stated:

These are our talking points...1) What to Bring: your prescriptions for withdrawal, some cash, your eyeglasses and wedding ring (if any)...2) Drink 15 minutes before arriving and get prison doc to give you any meds for withdrawal using the 1-2-3 method (ask me to explain what that is). Tell them "I am an alcoholic and I drink everyday. My doc gave me these meds

because he's afraid I may get a seizure and die or get brain damage. I am really scared. Please help me!" - NEVER ask for medicine since they will never give it to you. Rather, ask for help and they will give you medicine!

14. Between August 31, 2016 and September 25, 2016, Nguyen continued to work with Stacey Pomrenke and Kurt Pomrenke via telephone and email to develop a false, but plausible story of alcohol abuse and the need for treatment. This included a phone call on September 25, 2016, the night before Stacey Pomrenke reported to prison, from Stacey Pomrenke's residence in Abingdon, Virginia, to Nguyen, located in Michigan, which lasted in excess of fifty-nine minutes.

15. On September 26, 2016, Stacey Pomrenke and Kurt Pomrenke traveled from the Western District of Virginia to the Bureau of Prisons' facility at Alderson, West Virginia. When Stacey Pomrenke reported to the facility she was intoxicated and under the influence of alcohol.

16. On September 26, 2016, the Bureau of Prisons conducted a health screen of Stacey Pomrenke. During this screening it was noted that Stacy Pomrenke reported, "she has been drink[ing] at least a bottle of wine daily since 2008. Last drink approximately 2 hours ago." At the time she made this statement, Stacey Pomrenke knew her that "she had been drinking a bottle of wine daily since 2008" was false.

17. On September 27, 2016, an email was sent from Kurt Pomrenke at kjpomrenke@gmail.com to Anh Nguyen that stated:

Subject: Contact from Stacey

Anh: she called me at 12:30 today and will call again at 8:30 tonight to speak with kids. She spent 12 hours in detox, sounded awful, and said the nurse yesterday gave her medicine and again this morning in the pill line (I think that was correct). We both said the right things in our 8 minute call. We are visiting her this Sat and Sun. Kurt

18. On September 27, 2016, Nguyen responded to Kurt Pomrenke's email and stated:

Good news. When you see her this Sat, please ask her the name of the medications they gave her and keep up the good work.

19. On September 28, 2016, an email was sent from Kurt Pomrenke, kjpomrenke@gmail.com to Anh Nguyen, which stated, in part:

She continues to say the right things on the phone (dry mouth, shaking, can't sleep, desperately needs a drink, etc.) Thanks. Kurt

20. On September 29, 2016, Stacey Pomrenke had an appointment with a Bureau of Prisons physician. During this encounter, she falsely told the physician that she had a history of drinking daily since 2008.

21. On October 10, 2016, an email was sent from Kurt Pomrenke, kjpomrenke@gmail.com, to Anh Nguyen, which stated, in part:

Hi Anh: had a great visit with Stacey today. She wanted me to share the following:

1. Dr Adams sent a request to Stacey's personal physician for her medical records. I have talked with Dr [REDACTED] and she understands the need to document that the alcoholism dates back to at least spring/summer of 2013 when the investigation commenced.

....
3. She has been using something called "cop out" to meet with Dr Adams. Told her she was really struggling with the side effects of cold turkey

....
She is keeping a low profile and saying nothing about RDAP to anyone. I got her to stop mentioning any of that on the phone or in emails.

....
Thanks!
Kurt

22. On October 16, 2016, an email was sent from Kurt Pomrenke, kjpomrenke@gmail.com, to Anh Nguyen, which stated, in part:

Hi Anh: we had a very nice visit with Stacey.

....
We have followed your advice. We are saying nothing in emails or on the phone about RDAP or Dr Adams. I don't know yet if our family doctor received the request from Dr Adams for Stacey's medical history, but I talked with our doc last week and she understands what the issues and needs are

We won't see her for two more weeks. Got a baseball tournament next weekend.

gcl

Thanks! Kurt

23. On October 31, 2016, Stacey Pomrenke was screened by Bureau of Prisons staff to determine her eligibility for RDAP. The Bureau of Prisons staff reported the following:

Per her PSI, she reported being a "social drinker of alcohol since age 23. She denied the use of or experimentation with any illegal substances." Inmate Pomrenke was originally determined to be unqualified for the RDAP due to insufficient documentation in the PSI regarding her substance use. However, upon entering the Bureau of Prisons, she reported drinking alcohol daily. She was placed on the detox regimen by Health Services staff and diagnosed with Alcohol use, with alcohol-induced disorder. Due to these factors and in consultation with regional PTP staff, she will be added to the DAP DIAG list.

24. On November 2, 2016, Stacey Pomrenke was interviewed by a Bureau of Prisons' physician to determine her suitability for RDAP and made numerous statements regarding her abuse of alcohol, which she knew to be false. The report of interview stated:

Reason for Interview

Inmate Pomrenke is interested in participating in the Residential Drug Abuse Program (RDAP). She was interviewed to determine whether she met the criteria for a substance abuse disorder in the year prior to her arrest. This determination was based on a review of her records and a clinical interview.

Inmate's Report of Substance Abuse

She reported daily use of alcohol in the year prior to her arrest for the instant offense. This is consistent with information in her Health Services Intake as well as medical records from her family doctor. She acknowledged using for longer periods of time than intended, having a persistent desire or unsuccessful effort to reduce her use, experiencing cravings, failure to fulfill major role obligations because of substance use, continued use despite awareness of interpersonal or social problems, giving up activities for the substance, using in hazardous situations, continued use despite awareness of physical or psychological problems that is likely to have been caused or worsened by the substance, markedly increased the amount or markedly diminished effects, and experiencing withdrawal symptoms.

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25. As a result of her false statements, the physician determined:

Based on the diagnostic interview and available records, inmate Pomrenke was diagnosed with Alcohol Use Disorder, In a controlled environment, Severe. During the 12-month period prior to her arrest for the instant offense, she met 10 of the diagnostic criteria for the disorder.”

26. As a result of falsely claiming alcohol abuse and addiction, Stacey Pomrenke was admitted to RDAP on November 2, 2016, and began the program on December 2, 2016.

27. On April 5, 2017, an email was sent from Nguyen to Kurt Pomrenke at kjpomrenke@gmail.com, which stated, in part:

Kurt, is it too much for me to ask you talk quickly to a high profile potential client of mine in Texas? I don't give last names nor do I tell anything about you. Just let him know the truth that we know what we are doing. Thanks.

28. On April 5, 2017, an email was sent from Kurt Pomrenke at kjpomrenke@gmail.com to Anh Nguyen that stated, in part:

Hi Anh, yes, I would be glad to talk to him. Maybe during my lunch break tomorrow? Or I can talk between 8 and 9:30 Friday morning.

....
Thanks. Kurt

29. Stacey Pomrenke completed RDAP on or about September 22, 2017. Because she completed RDAP, Stacey Pomrenke's term of imprisonment was reduced by seven months and one day.

Date: 9-29-2020

Stacey Pomrenke
Stacey Pomrenke, Defendant

Date: 9/29/2020

Dennis E. Jones
Dennis Jones, Esq.

scf


Counsel for Defendant

Date: 10/6/2020



Zachary T. Lee
Assistant United States Attorney
Virginia Bar No. 47087

Date: 10/6/2020



Lena Busscher
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